IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.760 OF 2004
IN
NOTICE OF MOTION NO.3480 OF 2004
IN
SUIT NO.3443 OF 2004

Mohan Rocky Spring Water
Breweries Ltd. .. Appellant

v/s.

Shaw Wallace & Co.Ltd. & anr. .. Respondents

Mr.Milind Vasudeo i/by Mr.S.J.Khera for appellant.

Dr.Virendra Tulzapurkar, senior counsel i/by
Mr.H.W.Kane for respondents.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 14th December, 2004

P.C.

Heard.

2. We are informed by the learned senior counsel and the learned counsel appearing for the parties that the notice of motion has been fixed by the learned motion Judge for 17th December, 2004 for consideration as to whether the ad-interim order dated 17th November, 2004 (impugned order) should be continued or not. We are of the view that all the aspects which are sought to be urged by the parties in the appeal, in the circumstances, should be urged before the learned motion Judge. The

appellant herein (original defendant) shall be at liberty to apply to the learned motion Judge for release of goods.

3. With the aforesaid observations, appeal is disposed of.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)